

COURT DECIDES FOR LEWIS

SMALL JUDGMENT AGAINST OWNERS OF FAIRBANK AFFIRMED.

Supreme Court Decides that Theodore C. Whitcomb Must Pay Big Judgment—Other Court Grist.

The Appellate Court yesterday affirmed the judgment recovered by Zimri C. Lewis against the owners of Fairbank summer resort in this city. Damages in the sum of \$300 had been awarded by the lower court. The proposition that a resort of this character in a residence district constituted a nuisance was settled in a previous decision, and the interesting point in the decree of yesterday was that an agreement between several property owners and the plaintiff's attorney that all the former would contribute toward the cost of the case if the suit failed, and that the attorneys should have no fee unless successful would not defeat the plaintiff's action. When the appeal from the lower court was taken Lewis disposed of his home on Capitol avenue across the street from Fairbank, and according to report the property passed into the hands of the Terre Haute Brewing Company. Besides the awarding of damages in the sum given the decision forbade the illegal sale of intoxicating liquors or other unlawful conduct by which the plaintiff might be annoyed or the value of his property affected.

DUDLEY CASE IN SUPREME COURT.

Appeal Taken by Maxwell's Attorneys from Sullivan Court.

The Dudley case reached the Supreme Court yesterday in the form of an appeal taken by the attorneys of Coroner Maxwell from the decision of the Sullivan Circuit Court. In the suit brought by the coroner to account his surrender of James Dillard to a mob last November the lower court decided in favor of Dudley.

Shortly after the lynching of Dillard Governor Dillard decided that Dudley had forfeited his office in failing to protect the negro from mob violence. The sheriff had been elected for second term, and on Jan. 1, 1932, at the time of the lynching, but the time for his new term to begin had not arrived, and it was then that Dudley may have forfeited the office of sheriff for the remaining five weeks of his first term. He had then been elected for a second term, as if no forfeiture had ever taken place. The coroner's suit was not filed until after Dudley had given bond and been sworn in for a second term.

Liability of Townships.

An appeal from the Monroe county Circuit Court filed in the Supreme Court yesterday brings up a question as to the liability of townships which may transfer school children from district schools to those in towns or cities. In the case in point children in a township school near Bloomington were transferred to the city school, the term of which was nine months, while the term of the township school was but five months. An attempt was made to collect tuition fees from the township for the full term, but payment was refused on the ground that the county could not collect for such time as that of the township school course. The township enjoined the county from collecting from charging it with nine months' tuition and the auditor appealed.

Grand Jury Report.

The grand jury will probably return several indictments in a partial report to be submitted to-day. The calendar of the Criminal Court holds none but grave-robbing cases, and Judge Alford has no cases to try within the next few days unless some work is provided as report of the grand jury.

Big Judgment Affirmed.

The judgment of \$333 recovered by the receiver of the Eureka Savings and Loan Association against Theodore C. Whitcomb, its former secretary, was affirmed by the Supreme Court yesterday. The defendant made the contention that he was not within the jurisdiction of the Supreme Court because he is not a resident of the State. The court, however, held that as he had filed a claim with the receiver of the insolvent company he thereby submitted to the jurisdiction of the court.

Bankruptcy Petitions.

Julius Wohlfeld, a furrier of this city, filed a petition yesterday in the Federal Court asking that he be declared a bankrupt. He owes \$3,151.03 and has \$400 with which to pay his creditors.

Ordinance Held Void.

A street-paving case from Evansville was decided in the Appellate Court yesterday, and that tribunal held that a city ordinance for the payment of a strip along one side of a street to the owners of adjoining property owners on one side only is void. Judge Wiley held that where a street paving is laid under the provisions of the Barrett act, the city is required that the cost shall be assessed against property owners on both sides.

Administrator Appointed.

Benjamin F. Trader was given letters of administration of the estate of Harry Trader, who was accidentally killed at the Indianapolis hotel a few days ago, by Probate Commissioner Walker yesterday. The claim of Traders' estate for damages from the fire has been compromised, and the letters of administration were necessary to make the settlement legal.

Benjamin Carp Insane.

Benjamin Carp, who is now confined in the police station, was adjudged insane yesterday and will be committed to the Central Hospital. Carp is a tailor and thirty-five years old. He has many peculiarities, and among his hallucinations is a preference to sleep under a couch rather than on it.

THE COURT RECORD.

SUPERIOR COURT.

Room 2—James M. Leathers, Judge.

Maurice D. Cleary vs. Riverside Construction Company, contract. On trial by jury.

Room 3—Vinson Carter, Judge.

Daniel Barrett, by Edward Barrett, vs. The Indianapolis Street-Railway Company, judgment. Jury return verdict for defendant. Judgment against plaintiff and next friend for costs.

Thomas Galt vs. Indianapolis Street-Railway Company, damages. Dismissed by agreement at defendant's costs.

NEW SUITS.

Daniel D. Pike vs. Rittter and F. O. Rittter, judgment on appeal. Superior Court, Room 2.

Albert Galt vs. Constock & Constock, damages. Superior Court, Room 2.

HIGHER COURT RECORD.

SUPREME COURT.

Presenting Dismissal—Filing Set Off.—1700. Whitcomb vs. Stringer, receiver. Marlon S. C. Affirmed. Hadley, C. J. 1. The preparation of a written dismissal giving notice to the judge and adverse counsel of an intention to file it at the noon recess when the court was not in session did not constitute a waiver of the action so as to deprive defendant of his right to file a plea of set-off immediately.

THE INDIANAPOLIS JOURNAL

Leading Insurance Agency in the State

Both Phones 2925

Aetna Building, 28 N. Pennsylvania St., INDIANAPOLIS, IND.

Copy of Statement of the Condition OF THE

New York State Glass Insurance Co.

On the 31st day of December, 1932

It is located at No. 42 Cedar street, New York.

MAX DANZIGER, President.

MAJOR A. WHITE, Secretary.

Copy of Statement of the Condition OF THE

Ocean Accident & Guarantee Corporation

On the 31st day of December, 1932

It is located at No. 346 Broadway, New York City, N. Y.

OSCAR ISING, General Manager.

Home Office, London, England.

Copy of Statement of the Condition OF THE

Aetna Insurance Co.

On the 31st day of December, 1932

Located at Hartford, Conn.

WILLIAM B. CLARK, President.

W. H. KING, Secretary.

Capital stock subscribed is.....\$4,000,000

Capital stock paid up is.....\$4,000,000

Copy of Statement of the Condition OF THE

Aetna Assurance Co., Ltd.

On the 31st day of December, 1932

It is located at No. 315 Dearborn street, Chicago, Ill.

J. M. NEUBURGER, Manager.

Home Office, London, England.

Copy of Statement of the Condition OF THE

North British & Mercantile Insurance Company

On the 31st day of December, 1932

Its principal office in the United States is located at 76 William street, New York.

E. G. RICHARDS, Manager.

J. F. HASTINGS, Assistant Manager.

Copy of Statement of the Condition OF THE

London and Lancashire Fire Insurance Co.

On the 31st day of December, 1932

It is located at Nos. 57 and 59 William street, New York City.

Home Office, Liverpool, England.

ARCHIBALD G. MILWAINE, Jr., Manager.

CHARLES E. DOX, Manager of Western Department, Chicago, Ill.

The amount of its capital is.....\$100,000.00

The amount of its capital paid up is.....100,000.00

The Assets of the Company in the United States are as follows:

Cash on hand and in the hands of agents or other persons.....	\$32,151.45
Bonds owned by the company, bearing interest at the rate of — per cent., secured as follows:	
State, county, city and town bonds.....	451,520.00
Debts for premiums.....	62,830.00
Total assets.....	\$545,731.45

LIABILITIES.

Losses unadjusted.....	\$6,946.32
Dividend declared, not yet due.....	5,000.00
Amount necessary to reinsure outstanding risks.....	3,723.23
Total liabilities.....	\$25,669.55

Total liabilities..... \$25,669.55

The amount of its deposit capital is.....\$350,000

The Assets of the Company in the United States are as follows:

Cash on hand and in the hands of agents or other persons.....	\$147,004.04
Bonds owned by the company, bearing interest at the rate of — per cent., secured as follows:	
State, county, city and town bonds.....	1,824,291.25
Debts for premiums (net).....	106,235.68
All other securities (accrued interest).....	18,466.24
Total assets.....	\$2,095,997.21

LIABILITIES.

Losses adjusted and not due, losses adjusted, losses in suspense, waiting for further proof.....	\$290,551.00
Amount necessary to reinsure outstanding risks.....	590,103.52
Total liabilities.....	\$880,654.52

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The Assets of the Company are as follows:

Real estate unincumbered.....	\$130,000.00
Loans on bond and mortgage.....	12,400.00
Cash on hand and in bank.....	1,286,673.92
Gross amount in hands of agents and in transit.....	642,236.59
United States stocks and bonds.....	138,500.00
State stocks and bonds.....	125,100.00
County, city and town stocks and bonds.....	1,420,388.47
Railroad bonds.....	54,582.91
Railroad stocks.....	2,705,152.00
New York city bank stocks.....	1,368,775.00
New York City Trust Company's stocks.....	784,500.00
Hartford bank stocks.....	588,000.00
Philadelphia bank stocks.....	20,750.00
New Britain (Conn.) bank stocks.....	15,000.00
Albany (N. Y.) bank stocks.....	11,000.00
Atlantic Coast Life Insurance Company's scrip.....	31,752.50
Accrued interest.....	571.00
Total assets of the company.....	\$11,949,530.98

LIABILITIES.

Losses adjusted and not due.....	\$77,339.31
Losses unadjusted, in suspense, waiting for further proof.....	498,796.11
All other claims against the company for return premiums, commissions, etc.....	251,939.02
Amount necessary to reinsure outstanding risks.....	4,127,843.13
Total liabilities.....	\$5,364,917.57

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The amount of its United States deposit is.....\$300,000

The Assets of the Company in the United States are as follows:

Cash on hand and in the hands of agents or other persons.....	\$120,472.22
U. S. government bonds.....	378,575.00
Railroad bonds.....	488,182.25
State and municipal bonds.....	180,126.80
State for premiums.....	122,488.36
Total assets.....	\$1,290,857.42

LIABILITIES.

Losses adjusted and not due.....	\$15,424.73
Losses unadjusted, waiting for further proof.....	8,574.07
Losses in suspense, waiting for further proof.....	5,046.75
Amount necessary to reinsure outstanding risks.....	2,951,045.42
Total liabilities.....	\$7,176,843.97

Total liabilities..... \$7,176,843.97

The Assets of the Company in the United States are as follows:

Cash on hand and in the hands of agents or other persons.....	\$783,227.58
Bonds owned by the company and bearing interest at the rate of — per cent., as per schedule filed.....	4,730,526.00
All other assets.....	4,831.10
Total assets.....	\$5,518,584.68

LIABILITIES IN THE U. S.

Losses adjusted and due.....	\$3,361.67
Losses adjusted and not due.....	15,575.45
Losses unadjusted, waiting for further proof.....	40,552.52
Losses in suspense, waiting for further proof.....	51,046.75
Amount necessary to reinsure outstanding risks.....	2,951,045.42
Total liabilities.....	\$3,042,521.81

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The Assets of the Company in the United States are as follows:

Cash on hand and in the hands of agents or other persons.....	\$93,229.34
Real estate unincumbered.....	\$200,000.00
Bonds owned by the company, bearing interest at the rate of — per cent., secured as follows:	
United States bonds.....	227,280.53
State, county, city and town bonds.....	310,700.00
Railroad stocks and bonds.....	1,065,650.84
Other stocks and bonds.....	1,063.00
Debts otherwise secured.....	24,611.17
Debts otherwise secured.....	21,257.35
Debts for premiums.....	288,626.19
Total assets.....	\$2,961,797.54

LIABILITIES.

Losses adjusted and due, losses adjusted, losses in suspense, waiting for further proof—Total unpaid losses.....	\$123,065.33
All other claims against the company.....	35,876.33
Amount necessary to reinsure outstanding risks.....	1,626,522.24
Total liabilities.....	\$1,785,463.90

Total liabilities..... \$1,785,463.90

COPY OF STATEMENT OF THE CONDITION OF THE

DETROIT FIRE AND MARINE INS. CO.

On the 31st day of December, 1932.

It is located at No. 31 Griswold street, Detroit, Mich.

WILLIAM A. MOORE, President.

A. H. McDONELL, Secretary.

The amount of its capital is.....\$500,000.00

The amount of its capital paid up is.....500,000.00

The Assets of the Company in the United States are as follows:

Cash on hand and in the hands of agents or other persons.....	\$43,656.51
Real estate unincumbered.....	500,000.00
Bonds owned by the company, bearing interest at the rate of — per cent., as per schedule filed.....	304,330.50
Loans on bond and mortgage of real estate, worth double the amount for which the same is mortgaged, and free from any prior incumbrance.....	709,000.81
Debts for premiums.....	15,874.96
Debts for interest.....	22,128.69
All other securities.....	22,882.94
Total assets.....	\$1,621,551.82

LIABILITIES.

Losses adjusted and not due.....	\$12,999.98
Losses unadjusted.....	\$2,451.00
Losses in suspense, waiting for further proof.....	6,457.98
Amount necessary to reinsure outstanding risks.....	296,130.88
Total liabilities.....	\$341,287.27

Total liabilities..... \$341,287.27

COPY OF STATEMENT OF THE CONDITION OF THE

German American Insurance Company

On the 31st day of December, 1932.

It is located at No. 35 Nassau street, City of New York, N. Y.

WILLIAM N. KREMER, President.

CHARLES G. SMITH, Secretary.

The amount of its capital is.....\$1,000,000.00

The amount of its capital paid up is.....1,000,000.00

The Assets of the Company in the United States are as follows:

Cash on hand and in the hands of agents or other persons.....	\$688,011.40
Real estate unincumbered.....	15,000.00
Bonds owned by the company, bearing interest at the rate of — per cent., as per schedule filed.....	1,318,020.00
United States bonds and New York City bonds.....	2,870,540.00
Railroad bonds.....	89,000.00
Portland, Oregon, Western Union Telegraph Company and other bonds.....	157,500.00
Railroad stocks.....	2,017,506.00
New York City Trust Company's stocks.....	\$29,251.00
Consolidated Gas Company and other stocks.....	605,000.00
Loans on bonds and mortgages of real estate worth double the amount for which the same is mortgaged, and free from any prior incumbrance.....	12,000.00
Debts for premiums.....	\$89,493.38
All other securities, interest accrued.....	38,845.98
Total assets.....	\$10,319,176.78

LIABILITIES.

Losses adjusted and not due.....	\$29,383.00
Losses unadjusted, waiting for further proof.....	\$26,874.68
All other claims against the company.....	\$394,446.46
Amount necessary to reinsure outstanding risks.....	\$718,225.74
Total liabilities.....	\$1,168,929.88

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COPY OF STATEMENT OF THE CONDITION OF THE

TRAILERS' INS. CO.

On the 31st day of December, 1932.

It is located at 100 La Salle street, Chicago.

THOMAS J. LEFFENS, President.

S. A. ROTHERMEL, Secretary.

The amount of its capital is.....\$500,000.00

The amount of its capital paid up is.....500,000.00

The Assets of the Company in the United States are as follows:

Cash on hand and in the hands of agents or other persons.....	\$306,367.23
Real estate unincumbered.....	31,265.84
Bonds owned by the company, bearing interest at the rate of — per cent., as per schedule filed.....	67,000.00
United States bonds.....	578.90
State, county and municipal bonds.....	1,877,682.50
Other stocks and bonds.....	100,075.00
Loans on bonds and mortgages of real estate worth double the amount for which the same is mortgaged, and free from any prior incumbrance.....	102,000.00
Debts otherwise secured.....	13,400.00
Debts for premiums.....	174,548.98
All other securities.....	8,429.15
Total assets.....	\$2,674,912.95

LIABILITIES.

Losses adjusted and not due, losses adjusted, losses in suspense, waiting for further proof.....	\$113,155.58
All other claims against the company.....	25,912.09
Amount necessary to reinsure outstanding risks.....	\$90,467.82
Total liabilities.....	\$219,535.49

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Sections 4290, et seq., the power of a city to assess the cost of improving the roadway of a street abutting property can be exercised by the city, and the city is not bound to assess the cost of such improvement against all abutting property on both sides of the street which is benefited by the improvement. Where the city has assessed the cost of such improvement against all abutting property on both sides of the street, the city is not bound to assess the cost of such improvement against all abutting property on one side of the street which is benefited by the improvement.

Beer Garden—Nuisance—Champerly. 4259. Tron et al. vs. Lewis. Boone C. C. Affirmed. Black, P. J.—1. A drinking resort where the law is openly violated, and the offense of decency and good order, maintained in a residence district of a town, may constitute a nuisance against the resident property owner to an injunction and damages. 2. The fact that plaintiff owned a beer garden, and that defendant owned a property on the same street, and that defendant had a license to sell beer, does not constitute a defense to such resident property owner's suit for damages and an injunction.

4260. Coulter et al., executors, vs. Bradley, special administrator. Clinton C. C. Motion to advance overruled.

4261. Marsh vs. Marsh. Wells C. C. Appellee granted thirty days additional time to file brief.

4262. Indiana N. G. and O. Company vs. Vaule. Fulton C. C. Appellee's additional authorities struck out on appellant's motion.

4263. H. W. & E. C. Street-railway Company vs. Rads. Lake C. C. Appellant's petition to file brief denied.

4264. Marsh vs. Marsh. Wells C. C. Appellee granted thirty days additional time to file brief.

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